

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

BRANDON SPEARS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-24-558-R
)	
DR. GINETTE NGANGA, et al.,)	
)	
Defendants.)	

ORDER

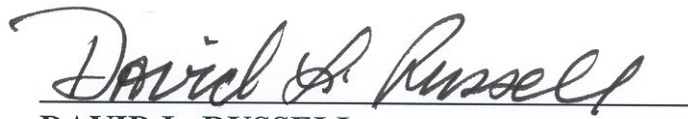
Plaintiff Brandon Spears, a state prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983 against the warden and a doctor that works at his facility. The matter was referred to United States Magistrate Judge Amanda Maxfield Green for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green issued a Report and Recommendation [Doc. No. 17] recommending that the individual capacity claims be dismissed without prejudice for failure to state a claim and official capacity claims be dismissed with prejudice because, as private prison employees, defendants do not have an official capacity for purposes of § 1983.

After the time to file an objection expired, Plaintiff filed a notice [Doc. No. 18] stating that he requested to get his medical records, they were not sent, and this made him miss his deadline. Even if the Court were to consider the notice as a timely objection, it does not provide any persuasive argument that would cause this Court to reject Judge Green's analysis or conclusion. Plaintiff's notice does not explain why he would need

medical records to recount the basic factual information necessary to state a plausible claim.

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 17], in its entirety. For the reasons stated therein, the individual capacity claims are DISMISSED WITHOUT PREJUDICE to refiling and the official capacity claims are DISMISSED WITH PREJUDICE. A separate judgment will be entered.

IT IS SO ORDERED this 21st day of February, 2025.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE